

INFORMATIONAL HEARING  
BEFORE THE  
CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of:	)	
	)	
Application for Certification	)	Docket No.
For the Blythe Solar Power	)	09-AFC-6
Project	)	
and	)	
Application for Certification	)	Docket No.
For the Palen Solar Power	)	09-AFC-7
Project	)	
and	)	
Application for Certification	)	Docket No.
For the Rice Solar Energy	)	09-AFC-10
Power Project	)	
_____	)	

BLYTHE CITY HALL COUNCIL CHAMBERS  
235 NORTH BROADWAY  
BLYTHE, CALIFORNIA

MONDAY, JANUARY 25, 2010

5:35 P.M.

Reported by:  
Martha L. Nelson, CERT

APPEARANCES

COMMISSIONERS

KAREN DOUGLAS, CHAIR

ROBERT WEISENMILLER

RAOUL RENAUD

KOURTNEY VACCARO

APPLICANT

SCOTT GALATI, GALATI & BLEK

STAFF

SUSANNAH CHURCHILL

PANAMA BARTHOLOMY

JAMES DAVIS

ALAN SOLOMON

ALSO PRESENT

ALLISON SHAFFER, BLM

ELIZABETH KLEBANER, CURE

LIANA REILLY, WESTERN AREA POWER ADMINISTRATION

1 BLYTHE, CALIFORNIA, MONDAY, JANUARY 25, 2010

2 PROCEEDINGS BEGIN AT 5:35 P.M.

3 CHAIR DOUGLAS: All right. Good evening, everybody.  
4 The microphones are apparently not working, so everybody is  
5 going to have to project. And -- and we will have to ask you  
6 to listen as well as you can, let us know if you're having  
7 difficulty hearing, especially the presentations. Please let  
8 us know if you're having difficulty hearing. Please take  
9 conversations into the other room, just because of the lack of  
10 microphones.

11 My name is Karen Douglas. I'm the chair of the  
12 California Energy Commission. I am the -- I'm joined today by  
13 Commission Robert Weisenmiller. Also at the dais with me is  
14 our Hearing Officer, Raoul Renaud, to Commissioner  
15 Weisenmiller's right. To my immediate left is Hearing Officer  
16 Kourtney Vaccaro. And to my far left is Commissioner  
17 Weisenmiller's advisor, Susannah Churchill. To my right will  
18 be my advisor, Panama Bartholomy, after I think he's had a  
19 chance to finish his sandwich.

20 I'm the -- we are here for the California Energy  
21 Commission informational hearings and the US Bureau of Land  
22 Management environmental scoping meetings for the Rice Solar  
23 Energy Project, the Blythe Solar Power Project, and the Palen  
24 Solar Power Project. The committee for the Rice Solar Energy  
25 Project is Commissioner Weisenmiller presiding, and myself,

1 associate. The committee for Blythe Solar Power Project is  
2 myself, Commissioner Douglas, presiding, Commission  
3 Weisenmiller, associate. And for Palen Solar Power Project,  
4 Commissioner Weisenmiller, presiding, Commissioner Douglas,  
5 associate. We are both on --on all three of these cases. We  
6 will both be very involved at all stages of these three  
7 proposed power projects.

8           With that I'd like to welcome you. We're pleased to  
9 be here. We're pleased to see so much public interest here  
10 today. And I'd like to turn this over now to Hearing Officer  
11 Renaud.

12           HEARING OFFICER RENAUD: Thank you, Chair Douglas.  
13 You may be wondering why there are two hearing officers. This  
14 is unusual for us to be having the public informational  
15 hearings on three separate matters at the same time. But in  
16 the interest of efficiency, saving travel dollars and so on,  
17 we're doing it -- all three of them here today. I am hearing  
18 officer for the Blythe and Palen projects. And Kourtney  
19 Vaccaro is the hearing officer for the Rice project. So you'll  
20 be hearing more from her later.

21           We've had introductions of those of us here. If I  
22 could ask Alan Zelorio (sic), the project manager, to introduce  
23 the staff that is present from the Energy Commission, please.

24           MR. SOLOMON: My name is Alan Solomon. I'm a project  
25 manager with the California Energy Commission.

1 MS. SHAFFER: Allison Shaffer, BLM, Palm Springs,  
2 South Coast Field Office. Also from our field office is John  
3 Kalish, the field manager, and George Klein (phonetic),  
4 archeologist.

5 MR. SOLOMON: And also with the Energy Commission is  
6 Lisa with staff counsel.

7 HEARING OFFICER RENAUD: Lisa DeCarlo?

8 MR. SOLOMON: Lisa DeCarlo --

9 HEARING OFFICER RENAUD: And --

10 MR. SOLOMON: -- with staff counsel.

11 HEARING OFFICER RENAUD: Thank you. And I apologize  
12 for misstating your name, but I will get that straight  
13 eventually. Okay.

14 MR. SOLOMON: There will be a quiz tomorrow.

15 HEARING OFFICER RENAUD: Thank you. All right. We  
16 also have present a representative of the Energy Commission  
17 Public Advisor's Office. If you would introduce yourself.

18 MR. DAVIS: My name is Jim Davis. I work in the  
19 Public Advisor's Office for the Energy Commission.

20 HEARING OFFICER RENAUD: Good. And do we have  
21 representatives of any intervenors in any of the matters  
22 present today that would like to be introduced?

23 MS. KLEBANER: Yes. Hi. I'm -- I'm Elizabeth  
24 Klebaner. I am here representing California Unions for  
25 Reliable Energy. And we intervened in Blythe and Palen, not

1 Rice, so --

2 HEARING OFFICER RENAUD: Oh. Thank you.

3 MS. KLEBANER: -- for the record.

4 HEARING OFFICER RENAUD: All right. Okay. Are there  
5 representatives of any government agencies who would like to  
6 introduce themselves? All right. We'll proceed then.

7 This the first hearing of several that will take  
8 place over the next several months in the course of the Energy  
9 Commission's and the Bureau of Land Management's review of the  
10 project.

11 And I just realized I missed a very important  
12 introduction. Mr. Galati, would you care to introduce yourself  
13 and your -- your people?

14 MS. GALATI: Yes. I'm Scott Galati and I'm fortunate  
15 to represent both Solar Millennium for Blythe and Palen, and  
16 Solar Reserve for Rice. And so there are various members in  
17 the crowd. I think when it comes our turn to present our  
18 positions I will allow -- allow the members to introduce  
19 themselves. Thank you.

20 HEARING OFFICER RENAUD: Very good. Thank you. All  
21 right. The -- the purpose of this hearing is to provide a  
22 public forum whereby members of the public can discuss the  
23 proposed project for the Energy Commission staff, the Bureau of  
24 Land Management, the applicant to provide information about the  
25 project, to describe the review process that will take place

1 over the next several months, and to inform you about  
2 opportunities you have to participate as members of the public.

3           The Energy Commission is -- is first and foremost  
4 concerned with making these proceedings open and transparent to  
5 members of the public. We want you to have available to you  
6 all the information about the review process and about the  
7 project as we proceed through the process. The -- every time  
8 we hold a meeting it is publicly noticed, and every time we  
9 hold a meeting there is an opportunity for public comment and  
10 questioning that will take place at appropriate points during  
11 the meeting.

12           The -- the outcome of this process is that the  
13 members of the committee will issue a proposed decision  
14 containing its recommendation on whether the proposed projects  
15 should receive licenses. Those proposed decisions are then  
16 subject to a thirty day public review process. And eventually  
17 the decision would go before the full five member Energy  
18 Commission for review and a decision about whether or not to  
19 approve the proposed decision.

20           With that I think we'll proceed to the presentation  
21 first by our hearing advisor. Oh, I'm sorry, that's me. It's  
22 been a long day, folks. I'm the hearing advisor. So if I  
23 could have the first -- the next slide, please. Is anybody  
24 doing the slides? Do I need this? Does this do it? Okay.  
25 Thank you. All right. Okay. Well, we'll do it.

1                   CHAIR DOUGLAS:   You cover that?

2                   HEARING OFFICER RENAUD:   Yes.   Okay.   The -- along  
3 the lines of what I was just telling you about, the openness  
4 and transparency of our process, I want to make sure you are  
5 aware of a rule that we have called the ex parte rule.  
6 Everything that goes on in the case and everything that forms  
7 the basis for the decisions will be part of the public record.  
8 For that reason no discussions about substantive matters  
9 pertaining to the case between the parties and those who will  
10 be deciding the case are permitted.   Any such conversations,  
11 discussions, communications or so on must take place in a  
12 publicly noticed forum or in a document that will be docketed  
13 before the Energy Commission and placed on its website.   The  
14 reason we do that is to make sure that there is full disclosure  
15 of all information that may be used as a -- as a basis for the  
16 future decision on the project.

17                   So our agenda is -- is a bit more complicated than  
18 usual today, but so far, so good.   This is the five o'clock  
19 part of the show, general information.   The Public Advisor's  
20 Office will do a presentation.   And then our -- the Energy  
21 Commission staff will give a general presentation about  
22 opportunities for public participation and the review process.

23                   Starting at 6:00 or as soon -- as close to that as we  
24 can make it we'll go into presentations specifically about the  
25 Rice project, followed at 7:00 by presentations about the



1 Blythe and Palen projects.

2 And with that we'll proceed with the public advisor.

3 MR. DAVIS: Does somebody have that changer?

4 Good evening, everybody. My name is Jim Davis and  
5 I'm with the Public Advisor's Office for the California Energy  
6 Commission. And I'm here today to talk to you about how the  
7 commission does outreach and how the public can get involved in  
8 the siting process.

9 We take public participation very seriously at the  
10 California Energy Commission. Public participation is an  
11 integral part of the siting process. Public involvement  
12 improves the process and the outcome. And public outreach is a  
13 concerted effort at the Energy Commission. We do that through  
14 the executive director, the siting division, the hearing  
15 office, the media office and the public advisor's office.

16 What is a public advisor? We help the public  
17 understand the process. We make recommendations for the best  
18 way the public can get involved. We assist in the successful  
19 participation in proceedings, just like this one. And we have  
20 brochures that are available. If you want to take one they're  
21 at the table right over there under the Public Advisor's Office  
22 poster.

23 One of the things the commission does is a notice to  
24 the public. They do a notice of informational hearing and site  
25 visit in both English and Spanish, and that's sent out to the

1 city and county officials including Blythe, Riverside,  
2 Quartzsite and San Bernardino. It's sent to a broad category  
3 of entities such as interested parties that have contacted our  
4 office, city and county civic leaders, local nonprofit groups,  
5 local Native American tribes and registered members, public and  
6 private schools, places of worship, law enforcement, emergency  
7 services, and community organizations and libraries.

8           We also do a media outreach, as well. We had a paid  
9 local newspaper advertisement that was put in the Palo Verde  
10 Valley Times. We requested website public service  
11 announcements to be done at the Chamber of Commerce for Blythe,  
12 Riverside and San Bernardino, and the City of Blythe. We also  
13 requested announcements be made at local TV and radio in  
14 English and Spanish at the TV and radio stations listed below.

15           Also a notice of Energy Commission receipt of the  
16 application for certification was done by US Postal Service  
17 mailing to residents within 1,000 feet of the project site and  
18 500 feet of project linears, linears meaning a transmission  
19 line or underground line, something like that, libraries with  
20 copies of the AFC, agencies, local, state and federal with an  
21 actual compact disk copy of the AFC. Also by the hearing  
22 office a notice announcing this site visit informational  
23 hearing was sent out by US Postal Service mailing to a project  
24 mailing list which included residents, libraries and agencies.  
25 And also, anybody who happened to be on the proof of service

1 list which would be the committee, the applicant, the staff,  
2 interested agencies, and any intervenors.

3 Also there's a notice that's by list server. And the  
4 list server, I'll explain to you how you can get on that in the  
5 next few slides.

6 Other kinds of outreach we do, executive director  
7 correspondence was sent out to all elected officials. Also our  
8 Media and Communication Office department of the Energy  
9 Commission sent out a press release and media advisory to all  
10 the entities listed below.

11 Where to get information on sites like this, and  
12 where to get information on how to participate, there are  
13 various sources you can use. The Energy Commission website for  
14 Rice Solar, for example, you would go to  
15 [www.energy.ca.gov/sitingcases/solar](http://www.energy.ca.gov/sitingcases/solar), and that project will  
16 actually come up and you can look at the site, and you can get  
17 notices and announcements, documents and reports. You can also  
18 see all the information that's on the docket log. We also have  
19 the Energy Commission Library located in Sacramento. Also if  
20 you want to get specific information on a site you can contact  
21 dockets email at the email address there and you can get  
22 various reports and notices.

23 We have various tools that you can use. We have a  
24 list server, and I'll show that in a minute in a separate  
25 slide. Also you can get on a US mailing list. One way to do

1 that is to sign up on the information sheets back there and  
2 you'll be on the US mailing list. You can also contact the  
3 Public Advisor's Office. We have a sign-up sheet in the back,  
4 again, and you can always call us for any assistance you might  
5 need.

6           This next slide shows you what you would see if you  
7 entered in that URL address. That's Solar Millennium -- this  
8 is the Blythe Solar Power Project. It's up there on the top.  
9 And if you wanted to get on the list server to get more  
10 information about the site you'd go to this website, and under  
11 list server in the right hand lower box you'd enter your first  
12 name, last name, your email, and you'll get all future notices  
13 about the project.

14           Where to get information? Where the public can read  
15 the application for certification, you can go to the following  
16 libraries: Parker Public Library; Palo Verde Valley District  
17 Library; Lake Tamarisk Library; Cathedral City Branch Library;  
18 Riverside Main Library; Coachella Branch Library. And you can  
19 also get that electronically via the internet by accessing the  
20 AFC at that website. And the only difference is if -- if it  
21 was the Blythe or Palen project it would be siting cases, I  
22 believe, Blythe and then Palen.

23           There are basically two levels of public  
24 participation. The first one is informal participation, and  
25 that's where you submit comments. And the comments are

1 considered by the commissioners, they're part of the record,  
2 but they're not considered evidence.

3           Making your voice heard is very easy. You can do  
4 verbal comments at a public meeting just like this one. And  
5 the way you would do that is you'd fill out a blue card that  
6 are at the table over there, give them to me, and then I'll get  
7 them to the appropriate hearing officer. And there will be a  
8 time for public comments, as well. Making your voice heard is  
9 very easy, once again, at public meetings. You can also submit  
10 written comments or statements to the commission dockets unit.  
11 But when you do that, make sure that you include the docket  
12 number on the letter of correspondence.

13           The next level of participation is formal  
14 participation, and that's as an intervenor. Who can become an  
15 intervenor? Anyone may file a petition to intervene. You do  
16 not have to be or have an attorney to intervene. And the  
17 petition is considered by the assigned committee, and if  
18 approved you become a party to the proceeding.

19           And how to formally participate, you can contact our  
20 office, the public advisor, and you can go to the website. And  
21 on our Energy Commission website we have a section under public  
22 advisor and it gives you all kinds of great information of how  
23 you can participate. And eventually you'll need to file a  
24 petition to intervene. It's very important to do that early so  
25 that, well, you're early on the project and you can intervene

1 in a proper manner and get all the information you need.

2           There are several benefits and responsibilities to  
3 intervening. Intervenors have the same rights and  
4 responsibilities as other parties. As far as receiving, you'll  
5 receive all files in a case, including the AFC. You'll receive  
6 notices of hearings and workshops through proof of service.  
7 You can fully participate in the process of obtaining  
8 information. You can file documents and serve them on all  
9 parties including motions, petitions, objections and briefs.  
10 And you can present evidence and witnesses, and you can also  
11 cross-examine witnesses provided by other parties.

12           Things to keep in mind when participating, make sure  
13 you stay informed. Sign up to receive notices of all upcoming  
14 events. Submit written comments. Attend publicly noticed  
15 project events, just like this one. The public is encouraged  
16 to comment on noticed agenda topics, so please keep that to  
17 the -- what's the topic on the agenda. Non-English speaking is  
18 welcome. And we have special accommodations for persons with  
19 disabilities. And if you do have a disability that is the  
20 person to contact at the bottom there.

21           Once again, my name is Jim Davis. I'm with the  
22 Public Advisor's Office. If you have any questions, please let  
23 me know. Thank you.

24           HEARING OFFICER RENAUD: Okay. Thank you. And Jim  
25 has blue cards back there on the table in the corner. So those

1 of you who wish to speak at the public comment period, if you'd  
2 just get one of those cards and fill it out he'll see that we  
3 get it.

4 Let's move to presentation by the Energy Commission  
5 staff.

6 MR. SOLOMON: Thank you very much. Jim, can I have  
7 the --

8 MR. DAVIS: Yes.

9 MR. SOLOMON: -- clicker, please?

10 My name is Alan Solomon. I am a project manager with  
11 the California Energy Commission.

12 MS. SHAFFER: Good evening -- evening, everyone. My  
13 name is Allison Shaffer. I'm a project manager for the Bureau  
14 of Land Management and a realty specialist.

15 MR. SOLOMON: And tonight we are here to discuss the  
16 common process activities for all three of the projects, which  
17 would be Blythe, Palen and Rice.

18 CHAIR DOUGLAS: Alan, if you could hold off for a  
19 minute. Can I get an indication, is anyone having trouble  
20 hearing in the back or can you hear? Raise your hand if you're  
21 having trouble hearing.

22 UNIDENTIFIED MALE: Right here. Just Alan.

23 HEARING OFFICER VACCARO: We -- we have a few seats  
24 up front.

25 CHAIR DOUGLAS: All right. We do have a few more

1 seats up front that you can fill.

2 Go -- go ahead, Alan. I'm sorry to --

3 MR. SOLOMON: Thank you. Allison?

4 MS. SHAFFER: This is the microphone?

5 MR. SOLOMON: I think so. I'm not sure if it's on.

6 MS. SHAFFER: So what's --

7 HEARING OFFICER RENAUD: I don't think -- I don't  
8 think it works.

9 COMMISSION DOUGLAS: I don't think it's working.

10 MS. SHAFFER: None of them work?

11 MR. SOLOMON: No.

12 COURT RECORDER: That's for recording.

13 MS. SHAFFER: Recording. Okay. I'll try to talk as  
14 loud as I can. Is this better? Okay.

15 Well, I'm here to talk about the BLM's role in the  
16 permitting process. The BLM has a wide variety of authorities  
17 that dictate how we manage public lands. Our primary authority  
18 for managing public lands, as well as authorizing and  
19 administering right-of-ways, comes from the Federal Land Policy  
20 and Management Act of 1976, otherwise known as FLPMA. FLPMA  
21 requires us to ensure that all activities authorized on public  
22 lands conform to current land use plans and requires that  
23 authorized activities are consistent with other local, state  
24 and federal programs, plans and policies to the extent  
25 practical.



1           The BLM's current land use plan covering eastern  
2 Riverside County, where the majority of these solar projects  
3 are being proposed, is the California Desert Conservation Plan  
4 of 1980 as amended, also known as the CDCA plan, and the  
5 Northern and Eastern Colorado Desert Land Use Plan of 2002,  
6 also known as NECO. A plan amendment to the CDCA is required  
7 for all power generation facilities. Okay.

8           MS. REILLY: My name is Liana Reilly. I'm a project  
9 manager with the Western Area Power Administration. And our  
10 role here is we are considering an interconnection request for  
11 a tie-in to our federal transmission system. As Western we own  
12 over 17,000 miles of transmission lines in 15 western states.  
13 And Solar Reserve has asked us for an interconnection request.  
14 We are co-leads for the NEPA process, the National  
15 Environmental Policy Act process, with BLM for the Rice  
16 project.

17           MR. SOLOMON: The Energy Commission's role is that  
18 the Energy Commission is the permitting authority for all  
19 thermal power plants that are 50 megawatts or greater. This  
20 would include all related facilities including transmission  
21 lines, substations, water supply systems, natural gas  
22 pipelines, waste disposal facilities, and access roads. In  
23 addition, the Energy Commission serves as the lead agency for  
24 the California Environmental Quality Act, or CEQA.

25           In addition to the California Energy Commission, as

1 indicated by Allison, the commission is working very closely  
2 with BLM. In fact, these projects are located on BLM land.  
3 The CEC and BLM are working very closely together, in addition  
4 to other state and federal agencies, in particular the US Field  
5 and Wildlife Service, and also the California Department of  
6 Fish and Game.

7           An overview of the licensing process. One of the  
8 first items that is looked for at the Energy Commission is when  
9 the process -- when the application becomes data adequate.  
10 What happens is an applicant will file what is called an AFC,  
11 and application for certification. This application is  
12 reviewed in 23 technical areas. These technical experts will  
13 review it, make sure that it addresses the basic information.  
14 This is what is indicated as data adequacy.

15           For the Blythe and Palen projects data adequacy was  
16 determined on November 18th. For the Rice project data  
17 adequacy was determined on December 2nd.

18           The next step in the process is staff discovery and  
19 analyses. Essentially, this comes down to, again, reviewing  
20 the information that's contained in the AFC and asking  
21 questions. If staff are unclear as to what the applicant was  
22 indicating, if staff wants additional information, if staff  
23 wants greater detail, they can ask for this information through  
24 a process that is called data -- data requests and data  
25 responses.

1           For the purposes of Blythe and Palen the data -- the  
2 staff data requests were sent out on December 7th. And the  
3 applicant, Solar Millennium, responded on January 6th. For the  
4 Rice project my understanding is the data requests will be sent  
5 out this week. That's the plan.

6           Just so you are aware, after, the applicant has  
7 approximately 30 days to respond to the data requests. So to  
8 give you a timeframe, if for the Rice project staff sent out  
9 the data request this week, then in approximately a month's  
10 time the applicant would be providing their data responses.

11           Integral to this entire process are public workshops.  
12 As Raoul already stated, we operate -- we -- we have what is a  
13 transparent process. Everything that the Energy Commission  
14 does is publicly noticed.

15           For the Blythe and Palen projects there were  
16 public -- there have been three public workshops held thus far.  
17 The first was held on December 9th. The second was held on  
18 January 7th. The third was held on January 14th.

19           For the Rice project these public -- publicly noticed  
20 workshops will be held approximately after the data responses  
21 have been filed by the Rice applicant.

22           The next set -- the last item for staff discovery and  
23 analyses is the staff assessment, staff assessment errata.  
24 For -- because this is a bureaucracy BLM calls this process the  
25 draft EIS, the draft environmental impact study. You're going

1 to hear both Allison and I use these terms interchangeably.

2 They are, in fact, the same document.

3           For the Blythe and Palen projects we are currently in  
4 this -- this last item. Staff are currently writing their  
5 staff assessment, the draft EIS. For the Rice project, of  
6 course, this would not be started until after the data  
7 responses and the public noticed workshops have been held.

8           The third item as part of the licensing process is  
9 the committee evidentiary hearing and decision. What this  
10 comes down to is the committee, represented here, would be  
11 reviewing the information contained in the staff assessment and  
12 the -- the final staff assessment in making their determination  
13 based on all the information that has already been published.

14           I want to just take a moment and let you know that  
15 one of the things that I think is really neat about the Energy  
16 Commission's process is that if you, a member of the public,  
17 have a question, if you have an idea, if you have a concern  
18 that you want brought to the attention of one of the 23  
19 technical areas that's being reviewed, you can write the  
20 project manager, you can write the BLM. We will forward that  
21 question, that comment, to the appropriate technical expert.  
22 And you will see a response to your question, to your concern  
23 in the final staff errata, in the final environmental impact  
24 study.

25           This next slide -- actually, I'm probably just going

1 to go through this very briefly. This is the discovery  
2 analysis process that I've already described. And the  
3 evidentiary hearing and decision process, which I've just  
4 touched up.

5           However, Raoul, would you like to provide additional  
6 information?

7           HEARING OFFICER RENAUD: Just a little bit. The --  
8 the culmination of the discovery process, I believe, is the --  
9 is what we call evidentiary hearings. To you it might actually  
10 look like court.

11           We schedule formal evidentiary hearings where  
12 witnesses give testimony under oath. Parties can cross-examine  
13 the witnesses. Parties can introduce documents into the  
14 record. And a transcript is prepared of that entire  
15 proceeding. It's on the basis of the evidence that's brought  
16 into that proceeding alone that the commission can make its  
17 decision. That's a legal requirement that the decision be  
18 based solely upon the evidence in the record. And on the basis  
19 of that the PMPD, the presiding members proposed decision, is  
20 drafted and eventually goes before the full commission.

21           So if -- if you were to come to one of our  
22 evidentiary hearings, and all they're all open to the public,  
23 they're -- they're noticed, you -- you might find, indeed, it  
24 resembles a courtroom proceeding in -- in many regards. We --  
25 it's not quite as formal. The -- the committee members are not

1 wearing judicial robes, for example. But -- but nonetheless,  
2 there are witnesses being sworn and -- and cross-examination.  
3 It's -- it's a lot like court.

4 Thank you for that, Alan.

5 MR. SOLOMON: Thank you.

6 MS. SHAFFER: There are numerous mandates that  
7 require the Department of Interior and the BLM to focus and  
8 prioritize environmentally sound renewable energy development,  
9 such as the Energy Policy Act of 2005, the American Recovery  
10 and Reinvestment Act of 2009, also known as ARRA, and executive  
11 orders and secretarial orders. There are two here on the  
12 slide; Secretarial Order 3283 which contributes to facilitate  
13 Section 211 of the Energy Policy Act of 2005 to approve non-  
14 hydropower renewable energy projects on public lands with a  
15 generation capacity of at least 10,000 megawatts of electricity  
16 by 2015.

17 The next one is secretarial order -- oh, it's still  
18 on this slide. The next one is Secretarial Order 3285 which  
19 establishes the development of renewable energy as the priority  
20 for the Department of Interior and establishes a departmental  
21 task force for energy and climate change.

22 In addition to current executive and secretarial  
23 orders, BLM has implemented new policy in order to facilitate  
24 sound renewable energy development. This -- the policy  
25 requires that right-of-way applications are processed in a

1 timely manner and they're high priority projects, that they  
2 will be authorized under Title V of FLPMA, Federal Land Policy  
3 and Management Act, if approved, and will establish a rent  
4 schedule through an appraisal process or under different  
5 Washington office direction. Further information on solar  
6 energy technology can be found at the following websites.

7 BLM regulations under 43 Code of Federal Regulations  
8 2800 provide direction on processing and management of right-  
9 of-ways. There are a variety of BLM websites that are on the  
10 PowerPoint that provide information on the right-of-way  
11 process.

12 This slide talks a little bit about the authorized  
13 officers role at the BLM. When the BLM receives an application  
14 the BLM authorized officers role is to respond to the proposal.  
15 We undergo a thorough pre-application screening process through  
16 an internal BLM interdisciplinary team review of resources in  
17 conformance with current land use plans. After an ID team  
18 review of the proposal it's at the discretion of the authorized  
19 officer to accept or reject the proposal under 43 CFR 2800. If  
20 the proposal is accepted, BLM will process the application and  
21 in the cases of solar propose a possible land use plan  
22 amendment.

23 With the Palen and Blythe projects the -- the notice  
24 of intent to plan and prepare an EIS was published in the  
25 Federal Register on November 23rd, 2009, which initiated a 30

1 day public scoping period. That scoping period has now ended  
2 and BLM has prepared a scoping report that is available for  
3 public view in the field office. We're currently working to  
4 put that scoping report online, as well.

5 This slide outlines the land use plan amendment and  
6 NEPA process. If the project requires a land use plan  
7 amendment the BLM will publish a notice of intent which  
8 initiates the 30 day scoping period. Once the scoping period  
9 closes, BLM will prepare a scoping report for the public to  
10 review.

11 For the Palen and Blythe projects we have the scoping  
12 report available. Since we have not begun scoping yet for the  
13 Rice project we don't have a scoping report available at this  
14 time.

15 As a result of public scoping, BLM and its partners  
16 formulate alternatives that are generally designed to mitigate  
17 environmental issues. Once the draft EIS is ready for  
18 publication the BLM will publish a notice of availability  
19 initiating a 90 day comment period on the document. BLM and  
20 CEC will consider all relevant comments and will then prepare a  
21 joint final EIS land use plan amendment staff assessment.

22 Once the final is published the public is afforded a  
23 30 day protest period that's run concurrently with the 60 day  
24 governor's consistency review. If the process runs smoothly  
25 the BLM and CEC will sign a record of decision land use plan



1 amendment, and both agencies may authorize the project. The  
2 BLM will issue a right-of-way grant pursuant to 43 CFR 2800 and  
3 CEC a site permit.

4           This slide -- this slide outlines the contacts for  
5 the Blythe and Palen projects. It lists my name up there for  
6 the BLM, my phone number and email.

7           MR. SOLOMON: For the Rice projects --

8           MS. REILLY: Yeah. That uses -- has me as the main  
9 point of contact, so that's just my name and phone number. We  
10 will also have a Western Area Power Administration web page  
11 once we initiate the scoping period. So that will be published  
12 with our notice of intent when we publish that.

13           MR. SOLOMON: Thank you. Points of contact for the  
14 Energy Commission Blythe and Palen projects are myself, as  
15 indicated up here. One change on this slide is that there is a  
16 new member of the committee not indicated on this slide, Robert  
17 Weisenmiller. But this provides my contact information.

18           Just to stress, both the Energy Commission and the  
19 BLM do have web pages set up for these projects. And the  
20 contact for the Rice is -- the committee is the same, as  
21 indicated. The hearing officer is not Raoul but is Kourtney,  
22 who -- who already introduced herself to you. And the project  
23 manager for this case is John Kessler who will be speaking to  
24 you shortly.

25           And at this point we are going to cease discussion of

1 items that are common to all three projects and focus solely on  
2 the Rice Solar Energy Project.

3 PROCEEDINGS CONCLUDE AT 6:10 P.M.

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TRANSCRIBER'S CERTIFICATE

I, Martha L. Nelson, attest that the foregoing proceedings provided to me via cassette tape were transcribed to the best of my ability.

I further certify that I am not a relative or employee of any attorney of the parties, nor financially interested in the action.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated this 5th day of February, 2010.

          /s/ Martha L. Nelson